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Report of the Secretary-General on South Sudan

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1996 (2011), by which the Council established the United Nations Mission in South Sudan (UNMISS) for an initial period of one year and requested me to report to it on progress in the implementation of its mandate every four months. By its resolution 2057 (2012), the Council extended the Mission's mandate until 15 July 2013 and requested me to include in my reports updates on the following aspects: implementation of the protection-of-civilians strategy; timelines for the deployment of all Mission elements; force generation; Mission benchmarks for mandate implementation; United Nations system support to peacebuilding tasks; and cooperation with regional and international partners in addressing the threat posed by the Lord's Resistance Army (LRA). The present report provides an update on those issues and on developments in South Sudan since my report of 26 June (S/2012/486) and includes events up to 23 October 2012.

II. Political developments

2. South Sudan celebrated the first anniversary of its independence on 9 July 2012 under the theme "Consolidating peace and unity, enhancing development". On that occasion, the President, Salva Kiir, reiterated his Government's commitment to fighting corruption and reducing the size of the Government in the prevailing climate of austerity. He also expressed the hope that ties with the Sudan would improve. The celebration took place amid mixed expectations: while the country grappled with a difficult economic situation emanating from the shutdown of oil production and an uncertain security situation along the border with the Sudan, efforts to stabilize Jonglei State appeared to be making progress.

3. Those challenges, however, did not entirely eclipse the efforts to attain the Government's transition milestones and critical legislation was adopted. The President signed the National Elections Act into law on 6 July, the National Elections Commission was established thereafter and the National Constitutional Review Commission began its work in August. On 10 July, as required by the Political Parties Act, the President launched consultations with all political parties, under the auspices of the Political Parties Leadership Forum, on the establishment of the Political Parties Council, which would be responsible for the registration and regulation of political parties. The parties agreed upon the composition of the

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nine-member Council. The ruling Sudan People's Liberation Movement continued to review its internal rules, regulations and structure, while other political parties began preparations to meet the registration requirements stipulated in the Political Parties Act.

4. The reporting period ended on a positive note, warranting guarded optimism, with the signing, on 27 September in Addis Ababa, of agreements between South Sudan and the Sudan on, among others, oil, border security, trade and the rights of nationals in the territory of the other. The mixed views expressed on the agreements in the continuing debate among some segments of South Sudanese society notwithstanding, they have been generally accepted and were formally endorsed by the Council of Ministers of South Sudan on 5 October. On 16 October, during an extraordinary session of the parliament, opened on 15 October, the National Legislative Assembly and the Council of States overwhelmingly voted in favour of the ratification of the agreements. The parliament also revoked its decision to halt oil production.

Establishment of national institutions

5. The National Bureau of Statistics, supported by the United Nations Population Fund, has begun preparations for the first national population and housing census, tentatively scheduled to be held in February 2014 and expected to cost some $101.7 million.

6. The National Legislative Assembly passed 11 key pieces of legislation during the reporting period: the Appropriation Act, the Taxation (Amendment) Act, the Refugee Act, the Geneva Convention Act, the Legal Training Institute Act, the National Communication Act, the Anti-Money Laundering and Counter-Terrorist Financing Act, the Banking Act, the Foreign Exchange Business Act, the Peace and Reconciliation Commission Act and the General Education Act. In addition, the women's parliamentary caucus of the National Legislative Assembly passed its constitution on 27 July.

7. In Northern Bahr el Ghazal and Western Equatoria States, tensions rose during the reporting period between the state executives and the state legislatures, with the former attempting to obstruct oversight functions by unconstitutionally removing speakers of the state assemblies from their posts. The Council of States intervened in one case and ruled for the reinstatement of the ousted officials. In another case, the Sudan People's Liberation Movement found a political solution. Such developments underscore the importance of the continuing efforts to build institutions anchored in respect for the rule of law.

Anti-corruption measures

8. On 16 July, the Auditor-General issued reports on the financial statements of the Government of Southern Sudan for 2007 and 2008. The reports exposed significant irregularities in many areas, including disregard for spending procedures, weak legislative oversight and lack of transparent revenue accounting. Draft legislation to empower the Anti-Corruption Commission to prosecute corruption cases independently is currently under consideration by the Ministry of Justice. In his statement at the opening of the third session of the National Legislative Assembly, on 15 October, the Speaker set out steps taken by the legislature to fight corruption, including establishing anti-corruption clubs in all states, taking action against

ministries that incur expenditure in a manner inconsistent with the Appropriations Act, establishing a central procurement authority and a national anti-corruption bureau, and eliminating the practice of issuing Government vehicles.

III. Economic situation

9. On 18 July, in the light of the continued oil shutdown, the National Legislative Assembly passed an austerity budget aimed at reducing net expenditure by 34 per cent for the fiscal year 2012/13. The budget increases reliance on taxes, Customs duties and external sources, such as loans and national resource concessions. While non-oil revenues, which accounted for 2 per cent of overall income in 2011, have nearly doubled and spending controls have been tightened, a substantial budget shortfall remains. By the beginning of October, the Ministry of Finance and Economic Planning had implemented a domestic borrowing programme amounting to 500 million South Sudanese pounds (approximately $120 million at market rates) to cover part of the budget gap. Efforts to fill the remaining gap through external financial resources continue.

10. Cuts in civil servants' housing allowances and a one-month delay in the payment of their salaries since July caused considerable anxiety and some protests. The situation has now eased somewhat and by late in September all public sector wages for July had been paid.

11. The austerity measures implemented have implications for state budgets in that, under the new policy, 40 per cent of the block grants disbursed to the states by the central Government will now be allocated on the basis of population, with the remaining 60 per cent allocated evenly to the 10 states. This new policy will significantly reduce the revenue allotted to some states. Complaints of reduced grants were reported from Western Equatoria, Western Bahr el Ghazal, Upper Nile and Unity States.

12. The short supply of foreign currency led the South Sudanese pound, officially fixed at 2.95 to the United States dollar, to depreciate to a record low of 5.60 to $1 at the end of July, although the anticipated resumption of oil production and the limited availability of the South Sudanese pound led it to appreciate to between 4 and 4.30 to $1 between August and October. Concurrently, the National Statistics Bureau reported that consumer prices had not increased significantly since July, following the large increase in the first half of the year.

13. On 27 August, the International Monetary Fund (IMF) announced that South Sudan had become eligible for lending under the Poverty Reduction and Growth Trust, allowing it to request access to the IMF facilities for concessional financing. Such access is subject to an IMF programme being in place and approval by the IMF Executive Board. Concurrently, IMF, with the support of key donors, plans to implement a three-year capacity-building initiative for macroeconomic management, financed through a $10 million trust fund.

IV. Regional issues

14. **Relations between South Sudan and the Sudan**. Overall, relations between South Sudan and the Sudan showed signs of improvement, with representatives of

the Sudan attending the South Sudanese celebrations to mark the first year of independence and the two countries exchanging ambassadors. Commercial flights between Khartoum and Juba resumed and, following the signature of the agreements on 27 September, the Sudan announced the reopening of land and riverine border posts and the immediate resumption of trade in food commodities to border states. The Sudan also released 19 South Sudanese prisoners of war. Both sides, however, continued to accuse each other of supporting proxy militias and South Sudan complained of violations of its airspace by the Sudan.

15. **Foreign and diplomatic relations**. South Sudan has joined the World Customs Organization and submitted its application for membership of the International Conference on the Great Lakes Region. It has also established diplomatic relations with Finland, bringing the number of countries with which it has diplomatic relations to more than 40.

16. **Inter-mission cooperation**. UNMISS continued to participate in the implementation of the regional strategy to address the threat and impact of the activities of LRA, providing limited logistical support to the African Union Regional Task Force in Yambio. It is also providing logistical support to the operations in South Sudan of the United Nations Interim Security Force for Abyei and administrative support to its offices in Runbek, Wau and Juba.

V. Security situation

17. The main areas of concern on the security front during the reporting period related to the continuing tensions in key areas along the border with the Sudan; persistent rebel militia group activities in Upper Nile and Unity States; sporadic cattle raids; the emergence of new security challenges, including attacks against the Sudan People's Liberation Army by followers of the rebel leader, David Yau Yau, in Jonglei State; and the influx of large numbers of cattle and armed pastoralists to Central Equatoria State from Jonglei State.

Situation along the border with the Sudan

18. The security situation along the border with the Sudan remained relatively stable, albeit tense. As reported to the Security Council pursuant to resolution 2046 (2012), UNMISS received allegations of several cross-border attacks against South Sudanese armed forces units in Unity and Upper Nile States, in addition to attacks on two farming communities in Upper Nile State. UNMISS could not confirm those incidents owing to challenges in gaining access to the affected areas. UNMISS was also unable to confirm incidents of airspace violations reported by the South Sudanese armed forces and local authorities in Unity, Upper Nile and Warrap States. UNMISS did, however, observe an unidentified Antonov aircraft dropping packages in Pibor County, Jonglei State. The South Sudanese armed forces allege that the aircraft was Sudanese and was resupplying a rebel militia group in the area. In addition, in Northern Bahr el Ghazal State, UNMISS observed six craters allegedly created by a Sudanese armed forces aerial bombardment reported by the South Sudanese armed forces on 20 July, during which two civilians were wounded. The Sudan claimed that the aerial attack was inside its territory.

Rebel militia groups

19. In my previous report (S/2012/486, para. 28), I indicated that two rebel groups issued a press release on 15 April in which they stated that David Yau Yau, a Murle rebel, had been appointed overall commander of the militia forces in Jonglei State. The South Sudan Liberation Army rebel group continued to claim the existence of an alliance of rebel groups, including itself, the South Sudan Democratic Army, David Yau Yau and the self-proclaimed Lou Nuer prophet, Dak Kueth, but UNMISS could not confirm such linkages. Elements loyal to David Yau Yau have, however, since launched attacks on civilians in Upper Nile State and on South Sudanese armed forces positions in Jonglei State.

20. As opposed to the inter-communal violence that occurred from December 2011 to January 2012, when between 6,000 and 8,000 armed Lou Nuer young people attacked Murle communities, the current primary threat to civilians in Pibor County is the risk of being caught in crossfire between the South Sudanese armed forces and the Yau Yau rebel militia group. UNMISS has developed contingency plans to protect civilians and is pursuing a range of mitigating actions.

21. Following a skirmish in Barmuch *payam* of Ulang County in Upper Nile State on 11 July, when Lou Nuer traders were attacked by Murle young people linked to the Yau Yau group, the first major attack by the group against the South Sudanese armed forces took place on 22 August in the Likuangole area of Jonglei State. The South Sudanese armed forces confirmed that 24 soldiers were killed and 14 wounded. Allegedly, a much larger number of soldiers went missing. Subsequently, throughout September, the group launched sporadic attacks on the South Sudanese armed forces camp in Likuangole. Some armed Murle young people who have evaded civilian disarmament have reportedly joined the Yau Yau militia.

22. On 16 September, UNMISS received a letter, allegedly written by David Yau Yau, conveying an ultimatum to the United Nations to leave Pibor County within 48 hours or be forced out. UNMISS has, nevertheless, maintained an operating base in Pibor town and its military component has remained at its long-duration patrol camp in Likuangole, the challenges of resupplying the camp notwithstanding.

23. Although Likuangole has been the main focus of the Yau Yau militia attacks, the group attacked Gumuruk on 20 September, but was repulsed by the South Sudanese armed forces. Further clashes were reported in Gumuruk on 23 and 24 September and 3 and 8 October. The South Sudanese armed forces reported that they had conducted a military operation on 9 October during which they had removed the Yau Yau elements from Gumuruk. On 1 October, two South Sudanese soldiers were killed on the outskirts of Pibor town, allegedly by Yau Yau elements. In the same area, the South Sudanese armed forces reportedly reacted by firing at some civilians, killing one.

24. As a result of these rebel militia activities, most of the population of Likuangole and Gumuruk moved to safer areas, while a number also left Pibor town. In the continuing efforts to tackle the threat posed by the Yau Yau group, the Government has accorded priority to political efforts, engaging with Murle chiefs, politicians and young people. From 28 to 30 September, the Pibor County Commissioner and several State Assembly and National Assembly members met 40 Murle chiefs, who agreed to reach out to the young people in an effort to contain the situation and convince them not to join the militia. Nevertheless, Murle young people who escaped the

disarmament campaign, do not trust the inter-communal reconciliation process and fear reprisals by South Sudanese armed forces may have joined David Yau Yau. On 16 October, the Pibor County Commissioner sent a letter to David Yau Yau, through a delegation of chiefs, renewing the President's offer of general amnesty for all rebel militia groups that come forward personally. David Yau Yau is yet to respond. The South Sudanese armed forces may, in due course, choose to deal with the rebel militia groups militarily.

25. My Special Representative visited Bor and Pibor on 24 and 25 September to discuss the situation with the state Governor, ministers, members of the legislature, the Pibor County Commissioner and civil society, as did the ambassadors of the European Union and Norway on 27 September. The Governor reported that, before the attacks, the security situation had improved as a result of the recent peace efforts and the launch of the civilian disarmament operation in March.

Inter-communal conflict

26. The Government's efforts to tackle inter-communal violence in Jonglei State through the civilian disarmament operation launched in March and a parallel community-owned peace process launched in April have made promising gains, while also encountering many impediments during the reporting period. The perennial tit-for-tat inter-communal violence, which claimed the lives of thousands of civilians in 2011, virtually ceased after the launch of the two processes and partly as a result of the advent of the rainy season. Communication between the affected communities improved and trade in livestock resumed. Chiefs from all Jonglei communities (Anuak, Dinka, Jie, Kachipo, Lou Nuer and Murle) jointly conducted awareness-raising visits to all counties. Through the collaboration of local chiefs and county authorities, a significant number of abducted children and some abducted women have been released and returned. Incidents of violence and large-scale deadly cattle raids markedly decreased. Permanent police and South Sudanese armed forces deployments were established to protect many disarmed communities. In another encouraging step, the Governor of Jonglei State initiated a new approach, on the basis of the decisions of the All Jonglei Peace Conference of May 2012, ensuring that, in September, hundreds of cattle stolen from the Murle community of Kothchar village were returned.

27. The relative reduction in armed crime and the increased stability arising from the civilian disarmament process and mobilization for peace that followed the All Jonglei Peace Conference is now at risk, owing to the re-emergence of the Yau Yau militia, an increase in alleged human rights abuses by some undisciplined elements of the South Sudanese armed forces during the civilian disarmament process in Pibor County, the return of armed Murle young people from Ethiopia to Jonglei and the lack of resources to implement the decisions of the All Jonglei Peace Conference. There is a significant risk that the recent increase in cattle raiding attributed to the Yau Yau militia against communities bordering Pibor County, in addition to fears of attacks by Murle young people against other disarmed communities, could result in rearmament and the resumption of deadly inter-communal violence. The South Sudan Recovery Fund, co-managed by the Government and the United Nations Development Programme (UNDP), has allocated money for, and UNMISS has provided logistical support to, the implementation committee established by the President at the end of the All Jonglei Peace Conference. Keeping the inter-communal reconciliation process on track will

require sustained political will, perseverance and a peaceful approach to the civilian disarmament process. It will also require significant commitment by the Government, with the support of international partners, to consolidating the rule of law and State authority and to delivering long-awaited peace dividends to affected communities, such as the development of infrastructure and the delivery of health, education and other basic services.

28. In the volatile Unity, Lakes and Warrap tri-state area, sporadic cattle raids continued across state borders, in some cases with the South Sudan National Police Service and the South Sudanese armed forces succeeding in intercepting the raiders. The anticipated tri-state peace conference, however, remains pending. In Lakes State, intra-communal violence erupted in July between two traditionally adversarial Dinka subclans in Cueibet County, leaving 20 dead and 20 wounded.

29. A recent influx of large herds of cattle and armed pastoralists from Jonglei State into Central and Western Equatoria States created concern that inter-communal violence could spread to the traditionally peaceful Equatoria States. The national and state governments are pursuing efforts to resolve the matter.

30. Recent cattle raiding across the border between Jonglei and Eastern Equatoria States also raised concerns about the risk of inter-communal conflict between the Murle in Jonglei State and the Toposa in Eastern Equatoria State. Timely action by the South Sudanese armed forces, who pursued the raiders from Jonglei State, and intervention by the Governor of Eastern Equatoria State, community leaders, county commissioners and church leaders helped to diffuse tensions, however.

Civilian disarmament

31. The South Sudanese armed forces completed the civilian disarmament operation in most counties in Jonglei State, with the exception of Pibor and Akobo. There, many armed young people evaded disarmament by crossing into Ethiopia. They were expected to return at the onset of the rainy season in June. In its early stages, the disarmament process was conducted largely in a peaceful and voluntary manner, with few cases of human rights violations reported and some 12,000 weapons collected throughout the state. From June, civilian disarmament focused on Pibor County, where fewer weapons were collected than in the other counties. In July, UNMISS integrated protection teams received reports of a heavy-handed approach by the South Sudanese armed forces during weapon collection in parts of the county. The number of alleged cases of human rights abuses increased significantly between July and August, as indicated in paragraphs 53 to 56 of the present report.

32. UNMISS briefed the South Sudanese armed forces regularly throughout the disarmament process on the allegations of serious abuses, calling for the armed forces hierarchy to engage with the commanders concerned. On 6 August, the Pibor County Commissioner sent a letter to the armed forces in which he called for a temporary suspension of the disarmament operation. In meetings with UNMISS, he reaffirmed his support for the disarmament process and acknowledged its initial positive impact, but suggested that tackling the threat posed by the Yau Yau militia should take precedence, after which disarmament could resume. The South Sudanese armed forces maintained that it was important to complete the disarmament process in the county, given that halting it halfway could prompt disarmed communities in neighbouring counties to rearm. On 24 August, UNMISS

issued a press statement in which it called for immediate action to halt human rights abuses and to bring the perpetrators to account. Human Rights Watch and, later, Amnesty International also issued public statements on the issue.

33. The South Sudanese armed forces informed UNMISS that they were continuing to deploy military magistrates to monitor the conduct of the armed forces throughout the disarmament process and that they had taken measures to address reported cases. According to the armed forces, 13 soldiers were arrested in connection with such violations and an implicated unit was withdrawn. Some senior commanders overseeing the disarmament operation in the county were replaced, while senior Murle officers were deployed to participate in commanding the operation. Training on human rights issues continued for troops involved in the operation. Since August, the disarmament operation has slowed down, impeded by logistical challenges and rebel militia activity.

VI. Implementation of the Mission's mandate

34. On 17 August, my Special Representative briefed the Council of Ministers on the achievements of the first year of the Mission and on the extension of its mandate. She continued to co-chair, with the Vice-President, Riek Machar, the UNMISS-Government mechanism on mandate implementation. UNMISS also established a consultative group comprising eminent persons and key stakeholders in South Sudanese society. The group provides feedback and recommendations on the performance of UNMISS and helps to disseminate messages to the public about the Mission's work.

Mission consolidation

35. UNMISS comprises 769 international staff, 1,369 national staff and 345 United Nations Volunteers, with vacancy rates of 24 per cent, 16 per cent and 38 per cent, respectively. Delayed construction of essential infrastructure in the counties has hampered staff deployment. The planned establishment of 35 county support bases within three years from the start-up of UNMISS has been impeded by limited engineering capacity and delays in the arrival of assets from the liquidated United Nations Mission in the Sudan and United Nations Mission in the Central African Republic and Chad.

36. The Mission currently has a permanent or temporary presence in 13 counties (Nasser, Melut, Maridi, Raja, Nimule, Renk, Pibor, Akobo, Turalei, Gok Machar, Kapoeta, Ezo and Yirol). Seven locations (Mayom, Pariyang, Tambura, Maper, Malualkon, Kodok and Bunj) are being prioritized for 2013-2014. The already inadequate engineering resources have been required for the establishment of county support bases, the building of roads and the expansion of nine state offices. The limited engineering capacity has been used to develop 10 company operating bases and expand seven runways, tasks that are currently under way. Consequently, engineering capacity within the Mission is stretched to the limit. UNMISS has therefore decided to stagger the establishment of the 35 county support bases over a period of five years instead of three.

Military component

37. As at 1 October 2012, the strength of the military component stood at 6,659 of the 7,000 authorized troops, comprising 4,932 infantry troops, 1,300 enablers, 186 staff officers and 141 military liaison officers. UNMISS expects to reach its mandated troop ceiling by March 2013. The induction of new contingents from Cambodia, Japan, Mongolia, Nepal and Rwanda has been completed. The Republic of Korea has authorized the deployment of an engineering company, which is expected to arrive in the coming months. The absence of sufficient infrastructure at planned locations for the deployment of the newly arrived Mongolian and Nepalese infantry battalions has compelled continued deployment at interim locations. Efforts to obtain military utility helicopters are continuing.

Police component

38. As at 1 October 2012, the strength of the police component stood at 58 per cent of the authorized strength of 900. Further increases will depend on the construction of county support bases. United Nations police advisers continued to work with the South Sudanese national police in all 10 state capitals and 23 counties, transferring skills through the provision of advice, mentoring and training. United Nations police also continued to support the screening and registration of all South Sudanese police officers, with 47,228 registered to date. UNMISS has signed a memorandum of understanding with the national police, under which the United Nations continues to provide formal training courses to 876 police officers on such subjects as leadership, criminal investigation and community policing.

39. The national police is establishing special protection units for women and children in all 10 states. It has also established a diplomatic protection unit with training provided by UNMISS. At the police training centre in Rajaf, United Nations police officers are helping to design the curricula and providing classroom training. On 17 September, the first national police cadets graduated from the centre. Meanwhile, UNDP helped the national police to prepare a national crime statistics report covering the period from March to May 2012, which was issued on 9 October.

Riverine capability

40. As mentioned in my previous report (S/2012/486, para. 103), UNMISS and the Department of Peacekeeping Operations and the Department of Field Support of the Secretariat undertook an assessment in September to determine to what extent the mobility of UNMISS could be enhanced by deploying assets to navigate the river system of South Sudan. The assessment confirmed that such capability was essential to enhancing access by UNMISS to critical locations.

41. The assessment recommended that UNMISS should pursue a phased approach to attaining the required capacity. Initially, UNMISS will maximize its use, in low-threat locations, of small boats belonging to its military contingents and to the United Nations country team. It will seek to acquire multipurpose commercial fast boats and a landing craft in the medium term. The third phase will involve a detailed review of existing riverine operations and analysis of longer-term possibilities for adjusted capacity, including the possibility of capacity contributed by Member States. This phased approach is necessitated by the need for a thorough assessment of the Mission's logistical, technical and other capacities to accommodate additional

capabilities. UNMISS has established a mobility task force to oversee the implementation of this approach.

Quick-impact projects

42. The Mission's strategic use of quick-impact projects to launch integrated United Nations support for tangible basic service delivery at the county level yielded its first results when piped water began to flow in Yirol (Lakes State) and Turalei (Warrap State). Other projects are focusing on reconstructing schools damaged by inter-communal violence in Jonglei State.

Protection of civilians

43. UNMISS continued to implement its strategy to protect civilians. The strategy sets out five priority situations in which UNMISS will apply its protection mandate: incidents in the border areas affecting civilians; rebel militia activities; inter-communal violence; threats to civilians during security operations, including civilian disarmament; and the activities of LRA. Responses to threats to civilians are coordinated throughout UNMISS through the Protection of Civilians Working Group, in which the United Nations country team is represented. UNMISS has also begun rolling out the Department of Peacekeeping Operations-Department of Field Support training modules on the protection of civilians.

44. The Mission took several measures to further its mandate to protect civilians in Jonglei State. It supported Government and civil society actors at the national, state and local levels in pursuance of reconciliation initiatives through political engagement directed at resolving the cycle of conflict and ending civilian casualties in the state. While the Government led the process, the Mission was a supportive and active partner. The Mission also took part in activities to protect civilians through its engagement with the Government on issues of civilian disarmament, including by alerting the armed forces to reports of indiscipline received by the Mission's integrated teams. The Mission has also developed contingency plans to reinforce its presence and protect civilians in vulnerable locations targeted by attacks by Yau Yau elements.

Child protection

45. UNMISS and the United Nations Children's Fund provided training to more than 2,000 soldiers to raise awareness of the revised action plan between the armed forces and the United Nations on the release of all children associated with armed forces, in addition to supporting the development of training modules on child protection. The armed forces have established a special forum to review reported cases of violations against children.

46. A total of 50 boys who were enlisted in the armed forces were identified, 28 of whom were registered by the Disarmament, Demobilization and Reintegration Commission and released. The other 22 boys are awaiting demobilization. The United Nations, in conjunction with armed forces child protection units at recruitment centres, has prevented new cases of child recruitment. The number of schools occupied by the armed forces has decreased from 15 to 1, a notable achievement. The pending case is being addressed.

Sexual violence and protection of women

47. UNMISS provided training on conflict-related sexual and gender-based violence to the armed forces in Upper Nile State in August and the South Sudan Human Rights Commission in September. Women protection advisers also coordinated with the human rights section of UNMISS in monitoring allegations of sexual violence in Jonglei State (see para. 53).

Justice and corrections

48. The Government took further steps to strengthen national capacity in the rule of law sector. At the request of the Chief Justice, UNMISS supported the development of a mobile court concept to address case backlogs, reduce overcrowding in detention facilities and increase access to justice. Special courts have been established in Lakes State to try cases arising from inter-communal disputes and cattle raids.

49. The Ministry of Justice is consulting relevant national institutions to put in place policy and institutional reforms to deal with arbitrary arrest and detention and enhance access to justice. Meanwhile, to assist the Government's efforts to end prolonged arbitrary detention, UNMISS supported the regular review of remand cases, focusing on juveniles and women, and provided training to court liaison officers, prison officials and police.

50. The National Prisons Service entered into a memorandum of understanding with the Uganda Prisons Service on joint cooperation, including a staff training programme. UNMISS supported staff training, the drafting of prison regulations, the development of options for community supervision programmes and the establishment of internal auditing processes.

51. UNMISS also supported the armed forces in drafting a directive on military discipline and procedures and trained armed forces prosecutors and judge advocates in procedural and military law, human rights and administration of justice. In August, UNMISS accompanied the armed forces on visits to all the military detention facilities in South Sudan to investigate prison conditions and the status of prisoners. It is supporting the armed forces in the development of an initial military prison action plan.

52. UNMISS is assuming an increasing role in coordinating actors and stakeholders in the rule of law area. In particular, UNMISS and UNDP have facilitated rule of law forums at the state level, chaired by representatives of the Government. In addition, UNMISS continues to discuss, within its Working Group on Prolonged Arbitrary Detention, the development of an integrated and multi-pronged UNMISS strategic plan, including suggestions on priority reforms for the Government in this area.

Human rights

53. Human rights violations in the early stages of the civilian disarmament process were limited, including in most parts of Jonglei State, as indicated herein. Between 15 July and 20 August, however, UNMISS investigated abuses linked to the civilian disarmament process in Pibor County, recording the following allegations: one killing; 27 incidents of torture or ill-treatment, such as beatings and simulated drowning; 12 rapes; six attempted rapes; and eight cases of individuals allegedly

taken into custody by the armed forces for several days. The armed forces adopted measures to respond to the allegations but refuted the extent of the claims made by UNMISS in its press release of 24 August. Some of the cases were followed up by the military justice directorate. Moreover, there has been limited implementation of the recommendations made in the Mission's public report on incidents of inter-communal violence in Jonglei State, published in June 2012. The committee established in March to investigate the events surrounding the violence of December 2011 and January 2012 has not yet begun its work. The South Sudan Human Rights Commission is currently engaged in discussions with the Government to widen the committee's mandate to include investigation of abuses allegedly committed during the civilian disarmament process.

54. In line with its human rights mandate, UNMISS continues to organize and participate in training and mentoring on human rights for law enforcement agencies, the judiciary, correctional services, other State bodies and civil society. The Mission has advocated the signing of a Government order to establish an interministerial working group to take forward draft legislation on ratification of human rights treaties. It has also advocated a moratorium on the death penalty in the light of the hanging of two convicts at Juba Central Prison on 28 August.

55. The South Sudan Human Rights Commission published the 2011 edition of its annual report on 9 August with the continued technical support of the Mission. In addition, a human rights forum was launched on 14 August, co-chaired by the Commission and a civil society representative, with UNMISS support, bringing together Government, civil society, United Nations and other international actors to identify human rights concerns and propose ways of addressing them.

56. Tackling cases of prolonged arbitrary detention is a priority for UNMISS. Individual incidents of harassment and intimidation against journalists, foreign nationals, members of opposition political parties and human rights defenders were reported, in some cases leading to arbitrary detention by national security services. This issue is further compounded by the absence of legal aid options for defendants and arrests without appropriate documentation or for incidents that should not be considered crimes. These problems relate to lack of oversight and accountability in security forces and agencies, resource limitations, insufficiently trained personnel and ineffective investigative capacity, leading to coordination problems between justice institutions. The Mission is actively engaging the relevant Government authorities to reduce arbitrary detention and the Ministry of Justice has established a forum that brings together all relevant State institutions to develop coherent measures to address arbitrary and illegal arrest and detention and enhance access to justice.

57. On 23 October, UNMISS received a note verbale from the Government in which it ordered two staff members working on human rights to leave the country within 48 hours. After intervention by my Special Representative, the Government modified its position the following day and issued a further note verbale in which it informed the Mission that the instruction no longer applied to one of the staff members. The Mission's protests notwithstanding, the order in respect of the other staff member was not rescinded. That staff member has been temporarily redeployed within the Mission area to the Regional Service Centre at Entebbe, Uganda.

Disarmament, demobilization and reintegration

58. UNMISS and UNDP continued to provide support to the Disarmament, Demobilization and Reintegration Commission. In view of the deterioration of the security environment on the border with the Sudan during the reporting period and the drastic reduction of Government resources owing to the oil shutdown, the disarmament, demobilization and reintegration programme was refocused on a pilot phase, targeting 500 ex-combatants at the transitional facility in Mapel, Western Bahr el Ghazal State. While the facility is not yet operational, the profiling of the pilot caseload is under way. On 12 October, the President established the Disarmament, Demobilization and Reintegration Commission Council, which will be chaired by the Vice-President. It will provide the overall strategic direction for the disarmament, demobilization and reintegration programme. It is expected that the Council's first decision will be to announce a new start date for the pilot, which was originally expected to begin in November. During the technical meeting on disarmament, demobilization and reintegration hosted by the African Union in September, the Vice-President reaffirmed the Government's commitment to covering 64 per cent of the total disarmament, demobilization and reintegration budget of $1.2 billion. Donor funding will, however, be required for the reintegration component.

Security sector reform

59. On 17 September, the Government launched the national security policy drafting process, which includes consultations in all states. UNMISS contributed to training the drafting committee and continues to support the development of national security institutions and policies. It is providing technical advice to six state security committees and also supported South Sudanese security sector oversight actors by facilitating the second meeting of the members of the South Sudan oversight coordination mechanism. Technical support was provided in the planning process for the implementation of small arms control legislation. In addition, technical support and training were provided to the stockpile management working group to increase safe weapons storage. UNMISS also assisted the Directorate of Legal Affairs of the national police with the revision of the South Sudan Police Act 2009.

Mine action

60. The United Nations Mine Action Service cleared a total of 116.6 hectares of land in 20 affected communities in seven states and destroyed 247 anti-personnel mines, 15 anti-tank mines, 21,126 items of small arms ammunition and 2,053 items of unexploded ordnance. Mine risk education was conducted in five states, for some 53,000 civilians, while efforts continued to encourage South Sudan to become a State party to the Convention on Cluster Munitions. The United Nations Mine Action Service and United Nations police will train a national police explosive ordnance disposal unit.

Implementation of the Peacebuilding Support Plan

61. To speed up the implementation of the 15 priority deliverables and other key priorities of the Peacebuilding Support Plan, UNMISS and the United Nations country team are developing projects to implement parts of the $300 million plan.

They are intending to gain access to funds from various sources, including the Peacebuilding Fund.

VII. Humanitarian situation, recovery, returns and development

62. Food insecurity, the further arrival of refugees from the Sudan, seasonal flooding and internal displacement have prolonged humanitarian challenges in South Sudan. In September, some 2.5 million people were receiving food or livelihood assistance, more than double the original estimate.

63. More than 175,000 people from Southern Kordofan and Blue Nile States in the Sudan have sought refuge in Unity and Upper Nile States. Humanitarian agencies scaled up their efforts to address malnutrition and disease outbreaks in refugee camps, the escalating logistical challenges during the rainy season notwithstanding. In August, the Ministry of Health confirmed a hepatitis E outbreak in camps in Upper Nile State. As at 25 September, 20 people had died from the disease. The outbreak is, however, now under control.

64. Proximity to the volatile border between South Sudan and the Sudan poses a risk to the safety of refugees and compromises the security of these civilian refugee locations. While advocating relocation to alternative sites, the Office of the United Nations High Commissioner for Refugees continues to support more than 65,000 refugees in the Yida area and UNMISS is providing support to enhance governance systems in the settlements, including improved community policing, enhancement of State authority, civilian patrols and police training.

65. Most of the 110,000 people who fled the fighting in the contested Abyei area in May 2011 remain displaced and reliant on humanitarian assistance. Meanwhile, half of the counties in South Sudan have been affected by flooding in 2012. By late in September, seasonal flooding had affected 259,000 people, with Jonglei State the hardest hit.

66. In addition to the significant logistical challenges faced in delivering assistance, humanitarian organizations reported 26 incidents of interference in relief efforts by the armed forces and other authorities. The United Nations Resident Coordinator and Humanitarian Coordinator, supported by the Office for the Coordination of Humanitarian Affairs, has raised the issue with the authorities.

67. To ensure continued support for the most critical priorities in the South Sudan Development Plan during austerity, the Government has launched a process focusing on core functions under austerity. Focus areas have been identified and prioritized in line with the four pillars under the Plan. The prioritization is intended to guide national spending and donor assistance throughout the remainder of the austerity period to ensure the continued functioning of the Government and prevent the erosion of progress made in State-building efforts.

68. By mid-September, 125,000 South Sudanese were estimated to have returned to the country, mainly from the Sudan. The legal status of South Sudanese nationals residing in the Sudan is clearer following the signing on 27 September of an agreement on the status of nationals. Meanwhile, the ability of individuals to voluntarily return to South Sudan in a safe and dignified manner has become increasingly difficult following the cessation of Government-organized movements for returnees. This should ease as the agreements of 27 September are implemented.

69. Renk, the principal entry point for returnees, has become a bottleneck to onward travel to final destination points owing to seasonal rains and a lack of transportation. As at mid-September, 14,314 individuals remained stranded in one of the four transit sites in Renk, amid deteriorating living conditions. The International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees are providing essential humanitarian services to those stranded. During the reporting period, IOM supported the transportation of 3,241 returnees and their belongings from Renk to Juba. A total of 23,687 returnees travelled to their final place of destination during the reporting period, including 6,386 transported by IOM. Access to sustainable livelihoods remains imperative so that the returnees can smoothly reintegrate into their places of origin.

VIII. Cross-cutting issues in the Mission

70. **Public information**. UNMISS conducted extensive outreach in all 10 states to raise awareness of its mandate. It also drew media attention to its peacebuilding and civilian protection tasks. Meanwhile, the upgrading and expansion of the Radio Miraya broadcast network to reach more communities is being intensified.

71. **Implementation of the review of civilian capacity in the aftermath of conflict**. UNMISS provided further learning and development opportunities for national staff. To date, more than 700 national staff have been trained in management, administration, leadership and other technical and substantive subjects. Of those, 400 underwent certification programmes delivered by regional institutions.

72. **Conduct and discipline**. UNMISS intensified its prevention activities by providing training and refresher briefings to personnel on United Nations standards of conduct and the Secretary-General's zero-tolerance policy on sexual exploitation and abuse. The monitoring of compliance with the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and the UNMISS code of conduct was also strengthened, while outreach and sexual exploitation and abuse awareness-raising activities for the local population were increased.

73. **Women, peace and security**. UNMISS and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) continued to advance the agenda on women, peace and security through awareness-raising activities, training for Government officials and members of civil society, and women's participation in political processes. UNMISS and the United Nations Population Fund worked together to provide orientation on gender mainstreaming for directors general and directors of state and national ministries in July and August. On 20 September, my Special Representative participated in a women leadership conference in South Sudan on women's inclusion in conflict resolution and peacebuilding. In September, UNMISS and UN-Women organized open peace forums in the nine states to mark the twelfth anniversary of Security Council resolution 1325 (2000). During the forums, participants called upon state governments to pass laws on gender-based violence and sexual and gender-based violence. More than 400 UNMISS personnel were trained in gender mainstreaming.

74. **HIV/AIDS**. The Mission trained 34 counsellors and 33 change agents who will conduct counselling and promote HIV/AIDS awareness in South Sudan. Voluntary

confidential counselling and testing services were provided to 9,525 soldiers and civilians. UNMISS also continued awareness-raising and counselling activities for its personnel. A joint programme of support on AIDS has been developed with the Joint United Nations Programme on HIV/AIDS to provide coordinated support to the national AIDS response and to build Government capacity towards the implementation of Security Council resolution 1983 (2011).

75. **Staff security**. The volatile security situation in the northern border areas and the increased activities of rebel militia groups in Jonglei, Unity and Upper Nile States created a risky operating environment for United Nations personnel. United Nations operations were affected by the indirect threat of arms fire, occasional shooting at United Nations aircraft, the threat of arrest and detention when operating in border areas and interference with the delivery of humanitarian assistance. Owing to increased rebel militia activity, UNMISS has prohibited United Nations civilian missions to Likuangole until the security situation improves. Juba, Rumbek and Malakal witnessed increased violent armed robberies in daylight hours that affected United Nations personnel. In addition, reports by the South Sudanese authorities of unidentified white aircraft resembling those of the United Nations flying in South Sudanese airspace over Unity, Upper Nile and Warrap States created risks for United Nations aircraft operating in the area. Measures were taken to improve the coordination of all United Nations and international non-governmental organization flights with the armed forces and the civil aviation authorities. Mitigation measures have remained in effect in the above areas and contingency plans are in place.

IX. Observations

76. I am encouraged by the agreements signed in Addis Ababa on 27 September between South Sudan and the Sudan. If implemented in good faith by both countries, they should make it possible to build peaceful and mutually beneficial relations and allow the two Governments to fully prioritize the building of two viable and stable States that serve the respective interests of their people. I therefore call upon the leadership of the two countries to fully implement the agreements and to expeditiously resolve all outstanding issues.

77. With the resumption of oil production and the stabilization of relations with the Sudan, the prospects for building a stable economy will improve. South Sudan should be in a position to resume its course towards a peacebuilding and development agenda, including progress in the establishment of the rule of law, security sector reform, disarmament, demobilization and reintegration, capacity-building for key State institutions and a constitutional review process that provides a framework for transparent political dialogue.

78. I am encouraged to note that, compared with the same period in 2011, there has been a marked decrease in the incidence of large-scale violence in South Sudan and the number of resulting civilian casualties. As mentioned herein, however, the risks of a new escalation of violence, in Jonglei State in particular, remain very high. I call upon the Government to take the steps necessary to extend the presence of its law enforcement and security services and continue to enhance the promotion and protection of human rights by its security forces in order to further consolidate peace and stability in the country.

79. I remain concerned about the activities of rebel militia groups, which continue to undermine the efforts to stabilize the new nation, in particular in Jonglei State. The use of violence by insurgent groups to achieve their objectives will not elicit the support of the international community. They should work with the Government and within the laws of the country to address any grievances that they may have. I call upon the young people of South Sudan to cooperate with their chiefs and local authorities, distance themselves from all insurgents, eschew armed violence, participate fully in the disarmament process and work towards the economic and social development of their country. For its part, the Government must continue to identify and address the grievances of all communities, support inter-communal reconciliation through the allocation of adequate resources and progressively rebuild their trust in national institutions through credible political and judicial processes. I also urge the international community to lend its full assistance to these efforts.

80. Further support for the development of capacity within key national institutions in critical areas will be required during the second year of independence. I call upon donors to continue their support in this regard. The legislatures at both the national and state level have demonstrated a commendable ability to conduct credible and uninhibited debate on national issues and to exercise their oversight functions. Strengthening these and other institutions will create the necessary framework in which democratic governance can thrive. The Auditor-General's office has equally performed its functions in an exemplary and professional manner, as evidenced by the recently issued audit reports.

81. In the security sector, I welcome the launch of the process to develop a national security policy. In the second year of independence, further strides should be made in the security and rule of law sectors, in particular with regard to the right sizing and reform of the armed forces through disarmament, demobilization and reintegration. National institutions should assume greater responsibility for protecting civilians, respecting, protecting and promoting human rights and fighting impunity and corruption. I also commend the recent efforts by the Government to bring coherence to the efforts of the relevant State institutions to enhance access to justice and address the problem of prolonged, illegal and arbitrary arrest and detention.

82. South Sudan is striving to maintain a stable security, economic and political environment and address hostilities in the context of severely depleted public funds and an austerity budget. To date, it has been able to maintain critical Government functions and preserve a political climate that has permitted robust debate on key national issues. The country is, however, likely to face a significant income gap until early in 2013. The critical economic situation will therefore last until at least the first quarter of 2013 unless alternatives are found.

83. While the positive developments mentioned above warrant cautious optimism, they are tempered by numerous adverse factors that have the potential to create serious setbacks. Among these is the lack of urgency, coupled with capacity limitations, in implementing decisions on key national issues, as demonstrated by the delays in decisive management of the economy and public sector reform and in making operational the Constitutional Review Commission, the Jonglei Investigation Committee and the National Elections Commission. The absence of long-term plans to address potentially destabilizing fault lines, such as land and ethnic issues, the risk of a further deterioration in Jonglei State, the extremely limited employment

opportunities for young people, in addition to opportunities for alternative livelihoods for the soldiers who will be demobilized, and the increasing signs of resentment towards the many foreign workers and migrants are also sources of major concern.

84. The pending issues along the border with the Sudan, including the strong reactions in Northern Bahr el Ghazal State to the agreement with the Sudan on the "14-mile" area,[1] portend potential flashpoints that could impede the normalization of relations between the two countries. Continual vigilance is essential in managing these potential sticking points.

85. As UNMISS and the United Nations country team accompany South Sudan into its second year, the Organization is expected to show tangible results for its presence in the country. It is therefore important to make available to all United Nations actors the resources that they require to effectively implement their mandates. UNMISS ability to swiftly move, deploy and sustain troops in sensitive locations in response to threats to civilians continues to be undermined by the persistent lack of military utility helicopters. Continuing operations in Jonglei State in September and October 2012 have underscored the need for military helicopters, in addition to the value of riverine assets. I will provide regular updates to the Security Council on the implementation of the phased approach to generating riverine capacity for UNMISS, as mentioned in paragraphs 40 and 41 of the present report.

86. I deeply regret the unilateral expulsion of a Human Rights Officer from UNMISS, which had no justification and was in clear violation of the Charter of the United Nations and the status-of-forces agreement signed by the United Nations and the Government of South Sudan. Human rights monitoring, investigation and reporting is a core element of the Mission's mandate and must be protected and supported by the Government. I hope that this expulsion does not signify a deterioration in the good relations that the Government and the United Nations have established to date. Given that it is essential that respect for human rights remain a cornerstone of the new nation, the Government should ensure that both national and international human rights defenders can work in an environment free from intimidation.

87. I should like to conclude by expressing my appreciation for the dedicated service of my Special Representative, Hilde Frafjord Johnson, and for all military, police and civilian personnel serving in UNMISS. In addition, I should like to thank the United Nations country team and its partners in South Sudan, in addition to those Member States that are contributing troops and police to UNMISS.

[1] While South Sudan has accepted the map that the African Union proposed in November 2011 for negotiations with regard to separating the armed forces of South Sudan and the Sudan, the Sudan has objected to the inclusion therein of a strip of land, approximately 14 miles in width, on the South Sudanese side of the temporary administrative line for the safe demilitarized border zone. The Sudan has argued that the strip of land lies within its borders of 1 January 1956, the date on which it became an independent State. The African Union placed the area below the temporary administrative line for the safe demilitarized border zone, and thus not in the Sudan, simply to reflect the fact that South Sudan controlled the territory at the time at which the map was issued, in November 2011.

UNMISS
October 2012
SUDAN
SOUTH SUDAN
ETHIOPIA
CENTRAL AFRICAN REPUBLIC
DEM. REP. OF THE CONGO
UGANDA
KENYA
Juba
Malakal
Bentiu
Wau
Aweil
Raga
Kadugli
Nuba Mts.
Renk
Melut
Nasser
Akobo
Bor
Yambio
Tambura
Ed Damazin
National capital
State (wilayah) capital
Town
Major airport
International boundary
UNMISS operational northern limit
State (wilayah) boundary
Sector boundary
(CEC) Construction Engineering
(LFE) Light Field Engineering
Abyei region**
Main road
Railroad
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
* Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.
** Final status of the Abyei area is not yet determined.
Map No. 4456 Rev. 9B UNITED NATIONS
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Department of Field Support
Cartographic Section